

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HOWARD BERRY and DAVID BERRY,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

TRANSDEV SERVICES, INC. f/k/a VEOLIA
TRANSPORTATION SERVICES, INC.;
TRANSDEV NORTH AMERICA, INC., f/k/a
VEOLIA SERVICES, INC.; and FIRST
TRANSIT, INC.,

Defendants.

Case No.: 2:15-cv-01299-RAJ

**[PROPOSED] ORDER GRANTING
DEFENDANT FIRST TRANSIT,
INC.'S MOTION TO DISMISS
TRANSDEV SERVICES, INC.'S
CROSS-CLAIM FOR FAILURE TO
STATE A CLAIM**

**NOTING DATE: NOVEMBER 18,
2016**

The Court, having reviewed the pleadings and documents filed in support of and in opposition to Defendant First Transit, Inc.'s Motion to Dismiss Transdev Services, Inc.'s Cross-Claim for Failure to State a Claim ("Motion"), and the remainder of the file herein, finds that Transdev Services, Inc. has failed to state any claim against First Transit, Inc. upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). The Court further finds that Transdev Services, Inc.'s Cross-Claim against First Transit, Inc. cannot be cured by the allegation of other facts.

**[PROPOSED] ORDER GRANTING
FIRST TRANSIT, INC.'S MOTION TO DISMISS
TRANSDEV'S CROSS-CLAIM - 1
Case No. 2:15-cv-01299-RAJ**

LITTLER MENDELSON, P.C.
One Union Square
600 University Street, Suite 3200
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206.623.3300

1 Therefore, the Court HEREBY ORDERS that First Transit, Inc.'s Motion is granted in its
2 entirety. Transdev Services, Inc.'s Cross-Claim against First Transit, Inc. is dismissed with
3 prejudice.

4 DATED this ____ day of _____, 2016.

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6 THE HONORABLE RICHARD A. JONES
7 U.S. DISTRICT COURT JUDGE
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1 Presented by:

2
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16 Attorneys for Defendant

17 FIRST TRANSIT, INC.

CERTIFICATE OF SERVICE

I am a resident of the State of Washington, over the age of eighteen years, and not a party to the within action. My business address is One Union Square, 600 University Street, Ste. 3200, Seattle, WA 98101. On October 24, 2016, I

✕ **ELECTRONICALLY FILED** the foregoing document(s) with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on October 24, 2016, at Seattle, Washington.

s/ Sally Swearingner

Sally Swearingner

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LITTLER MENDELSON, P.C.

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**[PROPOSED] ORDER GRANTING
FIRST TRANSIT, INC.'S MOTION TO DISMISS
TRANSEDEV'S CROSS-CLAIM - 4
Case No. 2:15-cv-01299-RAJ**

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